

**SUPREME COURT MINUTES
WEDNESDAY, JUNE 15, 2005
SAN FRANCISCO, CALIFORNIA**

S133067

B169300 Second Appellate District,
Division Four

PEOPLE v. THOMAS (CORA LEE)

Review granted/briefing deferred (rule 29.1)

Respondent's petition for review

GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Appellant's petition for review denied.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S133249

E037699 Fourth Appellate District,
Division Two

HARWOOD (PAUL) ON H.C.

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending finality in *In re Reeves* (2005) 35 Cal.4th 765. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S133787

B173406 Second Appellate District,
Division Four

PEOPLE v. SANDOVAL

Review granted/briefing deferred (rule 29.1)

Petitions for review GRANTED

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order

of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S133848

A106553 First Appellate District,
Division Two

PEOPLE v. MAYZES

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S133893

B166034 Second Appellate District,
Division Four

PEOPLE v. PEREZ

Review granted/briefing deferred (rule 29.1)

Petitions for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S124670**PHELON (KENNETH D.) ON H.C.**

Order to show cause issued; returnable in CA 1/2

The Director of Corrections is ordered to show cause, before the Court of Appeal, First Appellate District, Division Two, when the

matter is placed on calendar: (1) why petitioner's presentence credits should not exceed 15 percent of his actual period of confinement, pursuant to Penal Code, sections 2933.1, subdivisions (a) and (c) (see *People v. Ramos* (1996) 50 Cal.App.4th 810, 817); and (2) why petitioner's postsentence credits should not be limited to 15 percent by Penal Code section 2933.1, subdivision (a), when his sentences on violent offenses listed in Penal Code section 667.5, subdivision (c) were stayed pursuant to Penal Code section 654. The return is to be filed on or before July 15, 2005.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S109573

D035486 Fourth Appellate District,
Division One

McMEANS v. SCRIPPS HEALTH

Dismissed per rule 29.3(b), and remanded to CA 4/1

In light of the decision in *Parnell v. Adventist Health System/West*, (2005) 35 Cal.4th 595, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 29.3(b).)

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S114106**VIRGIL v. S.C. (PEOPLE)**

Petition for writ of mandate/prohibition denied

The petition for writ of mandate, filed on March 7, 2003, is denied.

S132512

A109270 First Appellate District,
Division Four

PENA (EUGENIO) ON H.C.

Petition for review denied

S132516

H028525 Sixth Appellate District

MARROQUIN (MARCO) ON H.C.

Petition for review denied

S132522

F046438 Fifth Appellate District

MONTEZ (FELIPE) ON H.C.

Petition for review denied

S132526

B181543 Second Appellate District,
Division Three

THOMAS (JAMES) ON H.C.
Petition for review denied

S132566

F047403 Fifth Appellate District

ELLIS (RICHARD) ON H.C.
Petition for review denied

S132595

B176030 Second Appellate District,
Division Eight

TRAVELERS CASUALTY & SURETY v. S.C.
(PLAINTIFFS IN THE CLERGY CASES I)
Petition for review denied

S132600

B179772 Second Appellate District,
Division Eight

MARTINEZ (CHARLES) ON H.C.
Petition for review denied

S132638

B180015 Second Appellate District,
Division Five

SOMERS (KEITH A.) ON H.C.
Petition for review denied

S132644

D043758 Fourth Appellate District,
Division One

PEOPLE v. GARRIDO
Petition for review denied

S132668

E033784 Fourth Appellate District,
Division Two

PEOPLE v. OVERMAN
Petition for review denied

S132683

B181076 Second Appellate District,
Division Six

SHORES v. W.C.A.B. (ENNIS BUSINESS FORMS)
Petition for review denied

S132698

B181063 Second Appellate District,
Division Six

KASTNING v. WCAB (ALLIED DISTRIBUTING)
Petition for review denied

S132744

A105763 First Appellate District,
A107416 Division Three

PEOPLE v. CAUDLE
Petition for review denied

denied without prejudice to any relief to which

defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S.__ 124 S.Ct. 2531, on California law.

S132749

B170486 Second Appellate District,
Division Three

PEOPLE v. WASHINGTON

Petitions for review denied

S132754

A109499 First Appellate District,
Division Three

MORALES (ROBERT), IN RE

Petition for review denied

S132875

B171765 Second Appellate District,
Division One

PEOPLE v. SANDERS

Petition for review denied

S132921

G033019 Fourth Appellate District,
Division Three

PEOPLE v. TORRES

Petition for review denied

S132938

A105693 First Appellate District,
Division Five

PEOPLE v. RAMIREZ

Petition for review denied

S132971

H028133 Sixth Appellate District
H027261

RYAN (JAMES RICHARD), IN RE

Petition for review denied

S133066

D044407 Fourth Appellate District,
Division One

PEOPLE v. THOMPSON

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S.__ 124 S.Ct. 2531, on California law.

S133077

A104076 First Appellate District,
A104077 Division Three

GARAMENDI v. GOLDEN EAGLE INSURANCE
Petition for review & depublication requests denied

Baxter, J., is of the opinion the petition should
be granted.

S133088

B174652 Second Appellate District,
Division Two

PEOPLE v. BRYANT
Petition for review denied

S133100

B168009 Second Appellate District,
Division Six

PEOPLE v. STARBIRD
Petition for review denied

S133110

D044892 Fourth Appellate District,
Division One

DELGADILLO (HERCULANO) ON H.C.
Petition for review denied

S133132

B175994 Second Appellate District,
Division Five

PEOPLE v. ELLIS
Petition for review denied

S133146

E034983 Fourth Appellate District,
Division Two

PEOPLE v. GARCIA
Petition for review denied

denied without prejudice to any relief to which
defendant might be entitled after this court
determines in *People v. Black*, S126182, and
People v. Towne, S125677, the effect of *Blakely*
v. Washington (2004) __ U.S. __ 124 S.Ct. 2531,
on California law.

S133148

E035334 Fourth Appellate District,
Division Two

PEOPLE v. ALVAREZ
Petition for review denied

S133195

H028511 Sixth Appellate District

RUIZ (BERTHA) ON H.C.
Petition for review denied

S133241

A101525 First Appellate District,
Division Three

SCHOENFELD v. ZWAKENBERG

Petition for review & publication request denied

Request for judicial notice denied.

S133243

D043246 Fourth Appellate District,
Division One

PEOPLE v. JUNGERS

Petition for review denied

S133263

B168645 Second Appellate District,
Division One

PORSCHE FINANCIAL SERVICES v. KWAN

Petition for review & publication request denied

S133264

E034552 Fourth Appellate District,
Division Two

PEOPLE v. GARCIA

Petition for review denied

S133284

B176467 Second Appellate District,
Division Five

PEOPLE v. MARTINEZ

Petition for review denied

S133287

A108416 First Appellate District,
Division Two

BLICK v. WCAB (TOWN OF ATHERTON)

Petition for review denied

S133352

F045098 Fifth Appellate District

PEOPLE v. GLORIA

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S133363

E034332 Fourth Appellate District,
Division Two

PEOPLE v. RODRIGUEZ

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court

determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Kennard, J., is of the opinion the petition should be granted.

S133395

B175069 Second Appellate District,
Division Four

ANANDAN v. SINGAPORE AIRLINES LIMITED
Petition for review & publication request denied

Baxter, J., was recused and did not participate.

S133481

C042668 Third Appellate District
C043128

JOHNSON v. SIERRA TERRA INC.
Petition for review denied

S133486

B174155 Second Appellate District,
B179862 Division Eight

PEOPLE v. TOWNSEND
Petition for review denied

S133494

D043370 Fourth Appellate District,
Division One

GOLDEN v. LASHER
Petition for review denied

S133542

F044561 Fifth Appellate District

HOWARD JARVIS TAXPAYERS ASSOCIATION v.
CITY OF FRESNO
Petition for review denied

S133553

NORTH PACIFICA v. CA 1/4 (CITY OF PACIFICA)
Petition for writ of review denied

S133558

C046193 Third Appellate District

PEOPLE v. GUTIERREZ
Petition for review denied

S133559

A104951 First Appellate District,
A106446 Division Four
A107347

NORTH PACIFICA, LLC v. CITY OF PACIFICA
Petition for review & publication request denied

S133561

H025985 Sixth Appellate District

RODRIGUES v. S.C. (JOAQUIM)

Petition for review denied

S133562

PULASKI v. HOCH

Petition for writ of mandate/prohibition denied

S133609B169632 Second Appellate District,
Division One

HOOD v. COMPTON COMMUNITY COLLEGE DIST

Petition for review & depublication request denied

S133643E037534 Fourth Appellate District,
Division Two

TELEGATE A.G. v. S.C. (GRANUM HOLDINGS)

Petition for review denied

S133662

C047717 Third Appellate District

A. (ANNA), IN RE

Petition for review denied

S133695A102786 First Appellate District,
Division Three

PEOPLE v. SANTILLANO

Petition for review denied

S133696B180964 Second Appellate District,
Division Three

JARAMILLO v. WCAB (S.C.I.F.)

Petition for review denied

S133701B174353 Second Appellate District,
Division Five

PEOPLE v. DUNN

Petition for review denied

S133703B178427 Second Appellate District,
Division Five

PEOPLE v. DAVIS

Petition for review denied

S133706B177513 Second Appellate District,
Division Two

PEOPLE v. CHIAMULON

Petition for review denied

S133707

B175224 Second Appellate District,
Division One

PEOPLE v. OATES

Petition for review denied

S133708

H027551 Sixth Appellate District

PEOPLE v. ROYSTON

Petition for review denied

S133709

B170728 Second Appellate District,
Division Eight

PEOPLE v. THORPE

Petition for review denied

S133713

E035789 Fourth Appellate District,
Division Two

PEOPLE v. TALBERT

Petition for review denied

S133714

B178037 Second Appellate District,
Division Two

PEOPLE v. ESTRADA

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S133717

B159414 Second Appellate District,
Division Seven

PEOPLE v. LINCOLN

Petition for review denied

S133738

A103072 First Appellate District,
Division One

PEOPLE v. GANTZ

Petition for review denied

S133750

H027202 Sixth Appellate District

PEOPLE v. BJERKHOEL

Petition for review denied

S133756

D044686 Fourth Appellate District,
Division One

PEOPLE v. RUSSELL

Petition for review denied

S133758

F044616 Fifth Appellate District

PEOPLE v. BOWEN

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S133768

F044924 Fifth Appellate District

PEOPLE v. MARTINEZ

Petition for review denied

S133769

C045175 Third Appellate District

CUMMINGS v. NISSAN

Petition for review denied

S133772

H028626 Sixth Appellate District

DUARTE v. S.C. (PEOPLE)

Petition for review denied

S133773

F044747 Fifth Appellate District

PEOPLE v. RINCON

Petition for review denied

S133779A105330 First Appellate District,
Division Two

J. (JUSTIN), IN RE

Petition for review denied

S133784B174021 Second Appellate District,
Division Six

PEOPLE v. QUIROZ

Petition for review denied

S133793

C049301 Third Appellate District

A. TEICHERT & SONS v. W.C.A.B. (NORTH)

Petition for review denied

S133795B166050 Second Appellate District,
Division One

ARMIJO v. MILES

Petitions for review & depublication request denied

S133797

H027375 Sixth Appellate District

PEOPLE v. JONES

Petition for review denied

S133799

B175182 Second Appellate District,
Division One

MIYAMOTO v. DEUTZ AG

Petition for review denied

S133802

C044914 Third Appellate District

BARDIS v. OATES

Petition for review denied

S133808

B175681 Second Appellate District,
Division Six

PEOPLE v. SARVEY

Petition for review denied

S133821

B170379 Second Appellate District,
Division Four

PAUL v. SCHOELLKOPF

Petition for review denied

S133822

B174818 Second Appellate District,
Division Five

PEOPLE v. SANFORD

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S.__ 124 S.Ct. 2531, on California law.

S133824

F041994 Fifth Appellate District

PEOPLE v. FAIR

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S.__ 124 S.Ct. 2531, on California law.

S133828

E035298 Fourth Appellate District,
Division Two

GUPTA v. FIRST AMERICAN TITLE INSURANCE

Petition for review denied

S133836

F044310 Fifth Appellate District

PEOPLE v. LUNA

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S.__ 124 S.Ct. 2531, on California law.

S133838

C046255 Third Appellate District

PEOPLE v. ALLSTEAD

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S.__ 124 S.Ct. 2531, on California law.

S133849E034982 Fourth Appellate District,
Division Two

PEOPLE v. RIOS

Petition for review denied

S133861

H027538 Sixth Appellate District

PEOPLE v. BADILLO

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S.__ 124 S.Ct. 2531, on California law.

S133866

H027380 Sixth Appellate District

PEOPLE v. ESQUIVEL

Petition for review denied

S133874B171882 Second Appellate District,
Division Eight

PEOPLE v. BRAND

Petition for review denied

S133877

G033447 Fourth Appellate District,
Division Three

PEOPLE v. VIEHMEYER

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S.__ 124 S.Ct. 2531, on California law.

S133883

F045103 Fifth Appellate District

PEOPLE v. PACKARD

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S.__ 124 S.Ct. 2531, on California law.

S133891

F045092 Fifth Appellate District

PEOPLE v. DELGADO

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S.__ 124 S.Ct. 2531, on California law.

S133916

D044046 Fourth Appellate District,
Division One

BACHMANN v. ROGERS

Petition for review denied

S133930

C047447 Third Appellate District

ATILES v. CA 3 (PEOPLE)

Petition for writ of mandate/prohibition denied

S133943

G033277 Fourth Appellate District,
Division Three

PEOPLE v. HAGHIGHI

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court

determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S.__ 124 S.Ct. 2531, on California law.

S133963

D043312 Fourth Appellate District,
Division One

PEOPLE v. TAYLOR

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S.__ 124 S.Ct. 2531, on California law.

S134377

A110269 First Appellate District,
Division One

PETERSEN v. S.C. (PETERSEN)

Petition for review and application for stay denied

S125505

SANCHEZ (ARTEMIO E.) ON H.C.

Petition for writ of habeas corpus denied

S125908

EDWARDS (LARRY) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S126056

TYES (ARTHUR EUGENE) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S126107

DAVIS (TONY) ON H.C.

Petition for writ of habeas corpus denied

S126122

SMITH (ALVIN) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S126134

WASHBURN (LEON) ON H.C.
Petition for writ of habeas corpus denied

S126176

MICHEAUX (JOHNNIE) ON H.C.
Petition for writ of habeas corpus denied

S126201

KNIGHT (EDDIE D.) ON H.C.
Petition for writ of habeas corpus denied

S126210

JONES (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

S126211

RICHARDSON (KRISTOPHER M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *In re Swain*
(1949) 34 Cal.2d 300, 304; *In re Miller* (1941)
17 Cal.2d 734; *People v. Duvall* (1995) 9
Cal.4th 464, 474.)

S126215

VUE (MENG CHENG) ON H.C.
Petition for writ of habeas corpus denied

S126217

SERNA (ALEXANDER) ON H.C.
Petition for writ of habeas corpus denied

S126273

NEAL (CURTIS) ON H.C.
Petition for writ of habeas corpus denied

S126283

ERVIN (LASHANTE M.) ON H.C.
Petition for writ of habeas corpus denied

S126379

HERNANDEZ (JESUS) ON H.C.
Petition for writ of habeas corpus denied

S126460

TOSCANO (MIKE A.) ON H.C.
Petition for writ of habeas corpus denied

S126461

ROBERSON (HARRY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

S126463

WILSON (SEYMOUR RAY) ON H.C.
Petition for writ of habeas corpus denied

S126467

MOORE (CLAUDELL) ON H.C.
Petition for writ of habeas corpus denied

S126558

ATWOOD (KIRK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S126592

JOHNSON (KENNETH R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Dexter* (1979) 25 Cal.3d 921.)

S126622

BROWN (CLYDE EDWARD) ON H.C.
Petition for writ of habeas corpus denied

S126642

WOODY (MICHAEL D.) ON H.C.
Petition for writ of habeas corpus denied

S126643

ARENZ (DAVID) ON H.C.
Petition for writ of habeas corpus denied

S126647

SIMPKINS (JAMIRE S.) ON H.C.
Petition for writ of habeas corpus denied

S126650

MATTHEWS (IVAN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S126651

ANDERSON (CHARLES KY) ON H.C.
Petition for writ of habeas corpus denied

S126654

WALKER (EDDIE L.) ON H.C.
Petition for writ of habeas corpus denied

S126655

GREEN (CLAUDELL) ON H.C.
Petition for writ of habeas corpus denied

S126660

SMITH (DANIEL LEON) ON H.C.
Petition for writ of habeas corpus denied

S126673

CAVAZOS (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S126681

PALMER (WILL MOSES) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S126683

RODRIGUEZ (MARCO A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S126686

SHELMON (MARLON) ON H.C.
Petition for writ of habeas corpus denied

S126740

ROBINSON (TRACY) ON H.C.
Petition for writ of habeas corpus denied

S126747

FIELDS (KEVIN E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S126758

STULL (JAMES CONRAD) ON H.C.
Petition for writ of habeas corpus denied

S126759

MADRID (MANUEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S126760

VO (HUNG L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

S126761

MUNOZ (IVAN RICARDO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Dixon (1953) 41 Cal.2d 756.)

S126770

REYES (MARTIR L.) ON H.C.
Petition for writ of habeas corpus denied

S126782

CAMPOS (JOSE MANUEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

S126785

ROBINS (ROBERT LEE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

S126786

CASS (GREGORY) ON H.C.
Petition for writ of habeas corpus denied

S126843

MATTHEWS (IVAN LEE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S127155

FIELDS (KEVIN E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S127493

MENCHACA (GERARDO J.) ON H.C.
Petition for writ of habeas corpus denied

S127517

LUGO (KEITH R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S128445

PENA (EUGENIO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709.)

S130091

MACHADO (DELFINO) ON H.C.
Petition for writ of habeas corpus denied

S130103

RODRIGUEZ (JOSE DEJESUS) ON H.C.
Petition for writ of habeas corpus denied

S130213

FARLEY (LIONEL) ON H.C.
Petition for writ of habeas corpus denied

S133200

GAITHER (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S133544

BARRUETA (JOHN) ON H.C.
Petition for writ of habeas corpus denied

S133617

AINGS (TERY) ON H.C.
Petition for writ of habeas corpus denied

S133627

SPENCER (JEFFREY) ON H.C.
Petition for writ of habeas corpus denied

S133655

NICHOLSON (CARL D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S133656

NICHOLSON (CARL D.) ON H.C.
Petition for writ of habeas corpus denied

S133678

FERNANDEZ (DANNY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Walthaus* (1965) 62 Cal.2d 218.)

S134111

FLORES (JOSE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

S134130

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S134133

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S134134

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S134135

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S134136

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S131389

B170716 Second Appellate District,
Division Eight

LACY STREET HOSPITALITY SERVICE INC. v.
CITY OF LOS ANGELES
Depublication ordered

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed December 30, 2004, which appears at 125 Cal.App.4th 526. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

S133253

A102651 First Appellate District,
Division Three

HARDEN v. ADVANTA MORTGAGE
Publication request denied (case closed)

S133648

D044310 Fourth Appellate District,
Division One

DEPHILLIPS AND HALE, MARRIAGE OF
Publication request denied (case closed)

S133994

B176402 Second Appellate District,
Division Three

B. (HANIF), IN RE
Publication request denied (case closed)

S133121

A108566 First Appellate District,
Division One

SCHOENFELD (RICHARD) ON H.C.
Time extended to grant or deny review
to July 25, 2005

S133339

C049403 Third Appellate District

SCHINKEL (LARRY) ON H.C.
Time extended to grant or deny review
to July 22, 2005

S133340

F047335 Fifth Appellate District

FLORES (CARLOS) ON H.C.
Time extended to grant or deny review
to July 25, 2005

S133369

B179714 Second Appellate District,
Division Four

AVERY (MICHAEL) ON H.C.
Time extended to grant or deny review
July 26, 2005

S133411

B181621 Second Appellate District,
Division Two

DIAZ (AUGUSTIN), IN RE
Time extended to grant or deny review
July 27, 2005

S133421

A109756 First Appellate District,
Division Four

BEASLEY (WILLIE R.) ON H.C.
Time extended to grant or deny review
to July 22, 2005.

S075725

PEOPLE v. JONES (KIONGOZI)
Counsel appointment order filed

Geraldine S. Russell appointed to represent appellant Kiongozi Jones for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

S132605

C042448 Third Appellate District

PEOPLE v. SLOAN
Counsel appointment order filed

John Doyle appointed to represent appellant Aaron Patrick Sloan on his appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date respondent's opening brief on the merits is filed.

S133114

H027483 Sixth Appellate District

PEOPLE v. KELLY
Counsel appointment order filed

J. Courtney Shevelson appointed to represent appellant on his appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S133325

A106273 First Appellate District,
Division One

PEOPLE v. TEWOLDE
Counsel appointment order filed

Jonathan Soglin appointed to represent appellant Tewolde on the appeal now pending in this court.

S133375

H027006 Sixth Appellate District

PEOPLE v. SOVA
Counsel appointment order filed

Alan Stern is hereby appointed to represent appellant Sova on the appeal now pending in this court.

S107502

CODDINGTON (HERBERT J.) ON H.C.
Motion denied

Petitioner's "Application for Stay of Habeas Corpus Proceedings Pending Resolution of Petitioner's Postconviction Discovery Motion in Superior Court," filed on March 17, 2005, is denied.

S129298

OHEB ON DISCIPLINE
Remanded to State Bar

The above entitled matter is remanded to the State Bar Court with directions to vacate its recommendation and reconsider in light of Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct, standard 3.2. (Calif. Rules of Court, rule 953.5.)

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S132171

PASYANOS (DEMETRA) ON ADMISSION
Petition for writ of review denied

S130169

WITTENBERG ON DISCIPLINE
Pet/writ of review denied; recommended discipline imposed

Petition for writ of review DENIED.

It is ordered that **Malcolm B. Wittenberg, State Bar Number 73842**, be suspended from the practice of law in the State of California for five years and until he complies with standard 1.4(c)(ii) as more fully set forth below, that execution of the five-year suspension be stayed, and that he be placed on probation for five years on the conditions of probation recommended by the Review Department of the State Bar Court in its opinion filed on November 10, 2004, including the condition that Wittenberg be actually suspended from the practice of law in this state during the first three years of his

probation and until he shows proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Credit towards the three-year period of actual suspension is given for the period of Wittenberg's interim suspension, which began on November 30, 2001. (*In re Young* (1989) 49 Cal.3d 257, 270.) Wittenberg is ordered to take and pass the Multistate Professional Responsibility Examination within the longer of the period of his actual suspension or one year after the effective date of this order and to provide satisfactory proof of his passage of that examination to the State Bar's Office of Probation in Los Angeles within that same time period. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7.

Baxter, Werdegarr, and Brown, JJ., are of the opinion the petition should be granted.

C045781 Third Appellate District

PEOPLE v. ROOSEVELT A. LANDS
Order filed

The time for granting review on the court's own motion is hereby extended to and including July 28, 2005. (Cal. Rules of Court, rule 28.2(c).)

